

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MALCARNE CONTRACTING INC.,

Plaintiff,

-against-

PROGRESSIVE CASUALTY INSURANCE CO.,

Defendant.

USDC SDNY
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24-CV-04244 (MMG)

**ORDER TO MOVE FOR
DEFAULT JUDGMENT**

MARGARET M. GARNETT, United States District Judge:

Third-Party Defendants Sidewalk Repair NYC, Inc. (“Sidewalk Repair”) and Eden General Construction, Inc. (“Eden”) appear to be in default in this action. *See* Dkt. Nos. 45, 46 (affidavits of service). It is ORDERED that if Sidewalk Repair and Eden do not respond to the Third-Party Complaint or appear by **December 27, 2024**, then by **January 15, 2025**, Third-Party Plaintiff Progressive Casualty Insurance Company must file any motion for default judgment in accordance with the Court’s Individual Rules & Practices. If Third-Party Plaintiff’s counsel submits calculations in support of any motion for default judgment, Third-Party Plaintiff’s counsel shall also email native versions of the files with the calculations (*i.e.*, versions of the files in their original format, such as in “.xlsx”) to Chambers at GarnettNYSDChambers@nysd.uscourts.gov.

It is further ORDERED that Sidewalk Repair and Eden shall file any opposition to any motion for default judgment by **January 29, 2025**.

Third-Party Plaintiff shall serve a copy of this Order on Sidewalk Repair and Eden by first-class mail and/or by in-person service **within two business days from the date of this Order**, and shall file proof of such service **within three business days of the date of this Order**. In the event Third-Party Plaintiff files a motion for default judgment, Plaintiff shall serve the motion papers on Defendants by **January 17, 2025**, and shall file proof of such service by **January 20, 2025**.

Furthermore, by **December 20, 2024**, if Third-Party Plaintiff has not filed on the docket proof of service upon Third-Party Defendant Juan Bautista, Third-Party Plaintiff shall file a letter detailing efforts to serve Bautista and proposing next steps.

Dated: December 16, 2024
New York, New York

SO ORDERED.



MARGARET M. GARNETT
United States District Judge